

Decision Record
Fremont County Transportation Department —
Jeffrey City and Claytor Free Use Permits
WYW168569
WYW168572
WY-050—EA 14—67

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Lander Field Office

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Chapter 1. Decision Record: BLM EA WY-050–EA14–67

Jeffrey City and Claytor Pits Free Use Permits

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1.1. Introduction:

Fremont County Transportation Department (FCTD) plans to renew Free use Permits for the expired and existing Jeffrey City and Claytor Pits. Both of these permits are located on private lands with federal mineral estate. The Jeffrey City Pit is currently expired, and the Claytor pit is an old pit with no authorizations that the County plans to re-enter. The County would mine and crush 70,000 cy of gravel from within the existing disturbance of the Jeffrey City Pit and mix it with 10,000 cy of clayey shales mined from the Claytor Pit to create a road base material with an adequate Plasticity Index. The permit would be authorized for 10 years after which point reclamation would occur. The proposed action is in conformance with the Lander Record of Decision and Approved Resource Management Plan (RMP), June 26, 2014, as well as other applicable laws and regulations.

1.2. Decision:

It is my decision to authorize the Claytor and Jeffrey City Pits Free Use Permits as proposed subject to conditions of approval as described in the Proposed Action in the Environmental Assessment (WY-050–EA14–67).

1.3. Rationale for Decision:

The decision to approve the Proposed Action (WY–050–EA14–67) subject to conditions of approval is based on the information presented in the following subsections.

1.3.1. Conformance with Resource Management Plan and Land Use Plan(s):

Current policies for development and land use decisions within this area are contained in the Lander Record of Decision and Approved Resource Management Plan, June 26, 2014. The Lander RMP allows for exploration and development of salable minerals in areas open to sales in compliance with the 43 CFR 3600 Mineral Materials Management Regulations.

1.3.2. National Policy:

The Free Use Permits are authorized under the 43 CFR 3600 Mineral Materials Management Regulations. Under the requirements of these regulations, a government entity, such as the County, is allowed Free Use of sand and gravel in areas not closed to salable mineral production on public lands. Therefore, the decision is consistent with national policy.

1.3.3. Agency Statutory Requirements:

The decision is consistent with all federal, state, and county authorizing actions required to implement the Proposed Action. All pertinent statutory requirements applicable to this proposal were considered including whether informal consultation and formal conferencing with the U.S. Fish and Wildlife Service (USFWS) was required. Cultural surveys and compliance with Section 106 of the National Historic Preservation Act has been completed.

1.3.4. Relevant Resource and Economic Issues:

Potential environmental impacts from the proposed activities to resources identified in the EA are all deemed acceptable or acceptable subject to conditions of approval. The economic benefits derived from the implementation of the Proposed Action to the public and the County through upgrading and maintaining county roads with gravel produced from these pits is considered important.

1.3.5. Application of Measures to Avoid or Minimize Environmental Impacts:

Federal environmental protection laws, such as the Clean Air Act, and the National Historic Preservation Act, apply to all lands and were considered in development of the EA. The adoption of measures identified in Chapters 2.0 and 3.0 of the EA provides practicable means to avoid or minimize potential environmental impacts. If conditions should warrant, additional measures could be applied to individual permits subject to additional analysis.

1.3.6. Compliance and Monitoring:

Monitoring will be done by the area Geologist or Surface Compliance Technician to ensure compliance with this authorization.

1.4. Finding of No Significant Impacts:

Based upon the analysis contained in the EA (WY-050-EA14-67), along with the implementation of protection measures, I have determined that the Proposed Action will not cause any significant impacts on the human, natural and physical environment. Therefore, an Environmental Impact Statement is not required.

1.5. Opportunity for Public Involvement:

Production of gravel by the County for improvements of County roads is generally considered a positive benefit by the public, and public scoping was not determined necessary. The project was internally scoped in the Lander Field Office with meetings held between BLM staff. In addition, this EA would be available on the BLM NEPA Register for the public to access.

1.6. Opportunity for Protest or Appeal:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay

must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413), at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

1.7. Authorizing Official:

Richard Vander Voet, Field Manager, Lander Field Office
Attachment: EA No. WY-050-EA14-67

Date